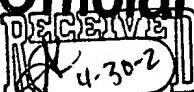


U.S.S.N. 09/465,436
Group Art Unit: 2172#149
JW/M
5/3/02IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RECEIVED

In re Application of: Midgley, et al.) APR 3 0 2000
)
 Serial No.: 09/465,436) Group Art Unit: 2172
)
 Filed: December 16, 1999) Examiner: Shahid Al Alam
)
 For: Systems and Methods for Backing Up) Attorney Docket No.: NTK-005.01
 Data Files)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at facsimile number (703) 746-7239.

April 29, 2002
 Date of Signature and of
 Facsimile Transmission

Jeffrey Sears
 Jeffrey Sears

RESPONSE

Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

In reply to the Office Action dated January 28, 2002, Applicants submit the following Amendment and Remarks.

Applicants' Attorney does not believe that any additional extension of time or any additional fees are required for consideration of this Response, beyond those which may otherwise be provided for in accompanying documents. Should any additional extension of time or additional fees be required for timely consideration of this Response, however, Applicants' Attorney hereby petitions for same and requests that the extension fee and any other fee required for timely consideration be charged to Deposit Account No. 06-1448, Reference NTK-005.01.

Further, Applicants' Attorney hereby authorizes the Commissioner to credit any

05/07/2002 WHEREAS overpayment to Deposit Account Number 06-1448, Reference NTK-005.01.

01 FC:102 336.00 CH
 02 FC:103 144.00 CH

U.S.S.N. 09/465,436
Group Art Unit 2172

AMENDMENT

IN THE DRAWINGS

Applicants submit corrected drawings for Figs. 1-7 and a corresponding Correction of Drawings to the Draftsman to address objections to the drawings made by the Draftsman.

IN THE SPECIFICATION

Applicants submit a substitute specification and a corresponding Submission of Substitute Specification to correct minor clerical errors.

IN THE CLAIMS

Please amend claims 1, 3, and 5. The claim amendments relate to consistency of terminology issues. The claim amendments are not related to patentability. Further, the claim amendments do not narrow the claims.

Please add new claims 6-28 as provided below.

Accordingly, claims 1-28 are now pending.

To satisfy the requirements of 37 C.F.R. § 1.121(c) and 37 C.F.R. § 1.52(a), all pending claims are presented below. A marked-up version of the claims showing the changes made to the claims follows the Remarks section of this Response.